



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,509	04/06/2000	Phil Wyatt	MCO-P-00-003	9084

7590 10/21/2002

Patent+TMS  
A Professional Corporation  
1914 North Milwaukee Avenue  
Chicago, IL 60647

EXAMINER

PASS, NATALIE

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/544,509

Applicant(s)

WYATT

Examiner

Natalie A. Pass

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Notice to Applicant***

1. This communication is in response to the application filed 06 April 2000. Claims 1-20 are pending.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show in Figure 2:
  - "databases 18,20" as described in the specification on at least page 9, lines 6 and 31;
  - "remote computers 24, 26" as described in the specification on at least page 9, lines 7-8;

The applicant is encouraged to review the specifications to find other inconsistencies between the specifications and the drawings.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Claim 3 recites the limitation "the medical disorders" in line 1. There is insufficient antecedent basis for this limitation in the claim.

(B) Claim 6 recites the limitation "one of the remote computers that treats the medical condition queried" in line 4, whereas claim 1 recites "a medical resource that treats the medical condition queried" in lines 16-16. It is unclear whether it is a medical resource or a computer that treats the medical condition.

(C) Claim 7 recites the limitation "the individual remote computer that treats the medical condition queried" in line 4, whereas claim 1 recites "a medical resource that treats the medical condition queried" in lines 16-16. It is unclear whether it is a medical resource or a computer that treats the medical condition.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3626

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11, 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iliff, U.S. Patent Number 6, 022, 315 in view of Schlueter et al, U.S. Patent Number 5, 974, 124.

(A) As per claim 1, Iliff teaches a method for matching medical condition information with a medical resource (Iliff; column 4, lines 31-35, column 65, lines 2-5), the method comprising the steps of:

providing a computer network having a plurality of remote computers and at least one remote server wherein the remote server hosts a website (Iliff; Abstract, Figure 24, Figure 25a, Figure 28, Item 2359, Figure 30, Item 2102, column 68, lines 45-67, column 69, lines 2-3, 34-63, column 70, lines 15-18, column 74, lines 33-44, column 80, lines 4-9);

accessing the website via an individual remote computer on the computer network (Iliff; column 69, lines 2-5, 44-63, column 70, lines 15-51, column 71, lines 36-51);

providing a database on the remote server wherein the database stores information relating to a plurality of medical conditions (Iliff; Figure 25b, Figure 26, Figure 27, column 75, lines 29-36, 60-65); and

searching the database for the information wherein the search or request is based on the query or search request input into the database and further wherein the search discloses a medical resource that treats the medical condition queried (Iliff; Figure 31, Items 2510 and 2546, column 36, lines 9-13, column 60, lines 57-63, column 75, lines 18-28).

Art Unit: 3626

Iliff fails to explicitly disclose inputting a query into the website wherein the query relates to a medical condition;

Schlueter teaches inputting a query or request for data into the website wherein the query relates to a medical condition (Schlueter; Abstract, column 4, lines 23-31, column 5, lines 26-28, 40-52);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for matching medical condition information with a medical resource of Iliff to include inputting a query into the website wherein the query relates to a medical condition, as taught by Schlueter, with the motivation of more quickly providing accurate records with simple and versatile input and output of information from a centralized data base, thereby hastening the treatment of disease (Schlueter; column 1, line 63 to column 2, line 2).

(B) As per claims 2-3, Iliff and Schlueter teach a method as discussed in claim 1 above, further comprising the step of outputting the information to the individual remote computer (Iliff; Figure 29, Item 2406, column 70, line 39 to column 71, line 3, column 76, lines 51-67) and wherein the medical disorders or conditions relate to diseases (Iliff; column 12, lines 24-27, column 12, line 66 to column 13, line 6, column 20, lines 1-5, column 21, lines 35-39, column 67, lines 60-65).

(C) As per claims 4-5, Iliff and Schlueter teach a method as discussed in claim 1 above, further comprising the step of providing medical procedure information to one of the computers (Iliff; Figure 29, Items 2406, 2408, 2410, column 12, line 66 to column

Art Unit: 3626

13, line 6) and further comprising the step of searching the database for medical procedure information (Iliff, column 57, lines 10-42).

(D) As per claims 6-7, Iliff and Schlueter teach a method as discussed in claim 1 above, further comprising the step of disclosing a practitioner or provider that treats the medical condition queried (Iliff, Figure 31, Item 2546, column 36, lines 9-13, column 41, lines 46-48, column 42, lines 17-25, column 54, lines 12-14, column 62, lines 26-37, column 70, line 38 to column 71, line 3, column 75, lines 18-28) and further comprising the step of disclosing a medical facility that treats the medical condition queried (Iliff, Figure 31, Item 2546, column 36, lines 9-13, column 41, lines 46-48, column 42, lines 17-25, column 54, lines 12-14, column 62, lines 26-37, column 70, line 38 to column 71, line 3, column 75, lines 18-28).

(E) As per claims 8, 10, Iliff and Schlueter teach a method as discussed in claim 1 above, further comprising the step of disclosing specific medical resource information wherein the specific medical resource information includes a name of the medical resource, a location, contact information and services offered (Iliff, column 42, lines 17-25), and wherein the information discloses a plurality of medical resources that treat the medical condition queried (Iliff, column 42, lines 17-25).

(F) As per claim 9, Iliff and Schlueter teach a method as discussed in claim 1 above, further comprising the step of linking one of the remote computers to a specific

Art Unit: 3626

website relating to the medical resource (Iliff; column 69, lines 2-5, 44-63, column 70, lines 15-51, column 71, lines 36-51).

(G) As per claim 11, Iliff and Schlueter teach a method as discussed in claim 1 above, wherein the query includes identifying information of an individual using the website (Iliff; Figure 30, Item 2442, column 79, lines 38-41) wherein search results disclosing medical resources match the identifying information to the medical resource (Iliff; column 42, lines 17-25).

(H) As per claim 13, Iliff and Schlueter teach a method as discussed in claim 1 above, further comprising the step of providing a plurality of websites on the computer network, accessing any one of the plurality of websites via the remote computer, and searching the database via any one of the plurality of websites (Iliff; Figure 28, Figure 30, Item 2102, column 60, lines 57-63, column 69, lines 2-5, 44-63, column 70, lines 15-51, column 71, lines 36-51, column 75, lines 18-28, 29-36, 60-65) (Schlueter; column 1, line 63 to column 2, line 2).

(I) As per claim 14, Iliff and Schlueter teach a method as discussed in claim 1 above, further comprising the step of providing a plurality of databases on a plurality of remote servers wherein the databases store the information relating to the medical conditions, linking the databases via the computer network; and searching the databases for the information (Iliff; Figure 25a, Item 2108, Figure 26, Figure 27, Figure 31, Items 2510 and 2546, column 36, lines 9-13, column 60, lines 57-63, column 69, lines 2-5, 44-



Art Unit: 3626

63, column 70, lines 15-51, column 71, lines 36-51, column 75, lines 18-28, 29-36, 60-65).

(J) Claim 15 differs from claim 1 in that it is a system for matching medical condition information with a medical resource rather than a method for matching medical condition information with a medical resource.

As per claim 15, Iliff and Schlueter teach a system for matching medical condition information with a medical resource, the system comprising:

a computer network having a plurality of remote computers and at least one remote server wherein the remote server hosts a website (Iliff; Abstract, Figure 24, Figure 25a, Figure 28, Item 2359, Figure 30, Item 2102, column 68, lines 45-67, column 69, lines 2-3, 34-63, column 70, lines 15-18, column 74, lines 33-44, column 80, lines 4-9);

a database connected to the remote server wherein the database stores information relating to a plurality of medical conditions (Iliff; Figure 25b, Figure 26, Figure 27, column 75, lines 29-36, 60-65);

means for querying the database wherein the query relates to one of the medical conditions (Iliff; Figure 31, Items 2510 and 2546, column 36, lines 9-13, column 60, lines 57-63, column 75, lines 18-28) (Schlueter; Abstract, column 4, lines 23-31, column 5, lines 26-28, 40-52); and

means for searching the database for the information wherein the search is based on the query of the database and further wherein the information discloses a medical resource that treats the medical condition queried (Iliff; Figure 31, Items 2510 and 2546, column 36, lines 9-13, column 60, lines 57-63, column 75, lines 18-28).

The motivation for combining Iliff and Schlueter is as discussed in the rejection of claim 1 above, and is incorporated herein.

(K) As per claim 16, Iliff and Schlueter teach a system as discussed in claim 15 above, further comprising means for outputting the information from an individual remote computer (Iliff, Figure 29, Item 2410, column 60, lines 57-67, column 70, line 39 to column 71, line 3, column 76, lines 51-67).

(L) As per claims 17-18, Iliff and Schlueter teach a system as discussed in claim 15 above, wherein the medical conditions or disorders relate to diseases (Iliff, column 12, lines 24-27, column 12, line 66 to column 13, line 6, column 20, lines 1-5, column 21, lines 35-39, column 67, lines 60-65) and wherein the information relating to the medical conditions further relates to medical procedures (Iliff, Figure 29, Items 2406, 2408, 2410, column 12, line 66 to column 13, line 6, column 57, lines 10-42).

(M) As per claim 19, Iliff and Schlueter teach a system as discussed in claim 15 above, wherein the information relates to practitioners that treat the medical condition queried (Iliff, Figure 31, Item 2546, column 36, lines 9-13, column 41, lines 46-48, column 42, lines 17-25, column 54, lines 12-14, column 62, lines 26-37, column 70, line 38 to column 71, line 3, column 75, lines 18-28).

(N) As per claim 20, Iliff and Schlueter teach a system as discussed in claim 15 above, further comprising a link on the website wherein the link links one of the

Art Unit: 3626

remote computers to another website providing further information relating to the medical resource (Iliff; Figure 30, column 68, lines 57-64, column 70, line 39 to column 71, line 3, column 72, lines 3-48, column 74, lines 25-44, column 80, lines 31-34).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iliff, U.S. Patent Number 6, 022, 315 and Schlueter et al, U.S. Patent Number 5, 974, 124 as applied to claim 1 above, and further in view of Siegrist, Jr. et al, U.S. Patent Number 5, 652, 842.

(A) As per claim 12, Iliff and Schlueter teach a computer-implemented method, as analyzed above in claim 1.

Iliff and Schlueter fail to explicitly disclose further comprising the step of disclosing a plurality of medical resources that treat the disorder queried; and ranking or comparing the medical resources based on how the medical resources match the query.

Siegrist teaches the step of disclosing a plurality of medical resources that treat the disorder queried; and ranking or comparing the medical resources based on how the medical resources match the query (Siegrist; column 2, lines 46-48, column 3, line 65 to column 4, line 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for matching medical condition information with a medical resource of Iliff and Schlueter to include the step of disclosing a plurality of medical resources that treat the disorder queried; and ranking or comparing the medical resources based on how the medical resources match the query, as taught by Siegrist, with the motivation of allowing users to define parameters on which to compare

Art Unit: 3626

service providers as well as focusing the attention of the service providers on the most promising opportunities for cost savings, profit improvements, and improved competitive advantage. (Siegrist; column 2, lines 41-46, 56-61, column 3, line 67 to column 4, line 3).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Brown, U.S. Patent No. 5,997,476, Ho et al, U.S. Patent No. 5,886,693, Johnson et al., U.S. Patent No. 5,664,109 and the 2 articles teach the environment of matching medical condition information with a medical resource on a computer network.

Brown, U.S. Patent No. 5,997,476, teaches a networked system for interactive communication including a web server and a remote interface for querying over the Internet.

Ho et al, U.S. Patent No. 5,886,693, teaches a method and apparatus for processing data across a computer network and querying a database, using HTML constructs.

Johnson et al., U.S. Patent No. 5,664,109 teaches a method for extracting predefined data items from medical service records.

Girishankar, Saroja. Health Care Turns To Web-Based Systems To Remedy Access Ills. Oct 20, 1997. InternetWeek, p20. [Retrieved from Dialog on September 23, 2002], Accession No. 05293926.

Bazzoli, Fred. Records on the Internet. February 1997. Health Data Management, p96. [Retrieved from Dialog on September 23, 2002], Accession No. 04814113.

Art Unit: 3626

9. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington D.C. 20231**

or faxed to: **(703) 305-7687.**

For informal or draft communications, please label "PROPOSED" or "DRAFT" on the front page of the communication and do NOT sign the communication.

After Final communications should be labeled

"Box AF."

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

Art Unit: 3626

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

*NP*

Natalie A. Pass

September 30, 2002

*Joseph Thomas*  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600